

REMARKS

Claims 1-6 were examined and reported in the Office Action. Claims 1-6 are rejected. Claims 1, 3-4 and 6 are amended. Claims 1-6 remain.

Applicant requests reconsideration of the application in view of the following remarks.

I. NO NEW MATTER ADDED

Applicant notes that the amendments to claim 1 include matter originally disclosed in the specification. Referring to Figure 4, the source 13 and the drain 14 are respectively formed between the word line 12 and each isolation layer, e.g., 11. Also, the word line 12 is formed over the substrate 10. The dopant of the substrate 10 is different from those of the source 13 and the drain 14. Additionally, as comparing Figure 2 with Figure 3, the interval between the isolation layers 16 of each source is wider than that of each drain. Figure 2 shows the interval and the second contact hole 17B between each drain 14; and Figure 3 shows the interval and the first contact hole 17A between each drain 13. Hence, the interval difference between the source area and the drain area can be embodied by controlling a width of the isolation layer 11.

Further, referring to line 25 on page 4 to line 6 on page 5 and Figure 6, the tilt ion implantation is performed in a direction of the word line 12, i.e., the source's side near the word line 12. In Applicant's claimed invention, the tilt ion implantation is needed for reducing a doping depth of the source 13. That is, in order to reduce the doping depth of the source 13, the dopant of the substrate is implanted at a junction between a gate, i.e., a word line, and a source. Therefore, the claims are clearly amended according to the above description of the original specification without adding new matter.

II. 35 U.S.C. §112

It is asserted in the Office Action that claims 1-6 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and

distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to overcome the 35 U.S.C. §112, second paragraph rejections.

Accordingly, withdrawal of the 35 U.S.C. § 112, second paragraph, rejections for claims 1-6 are respectfully requested.

III. 35 U.S.C. § 102(b)

It is asserted in the Office Action that claims 1-6 are rejected under 35 U.S.C. §102(b), as being anticipated by U. S. Patent No. 6,008,094 issued to Krivokapic et al. ("Krivokapic"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, *i.e.*, identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990))."

Applicant's amended claim 1 contains the limitations of "[a] method of fabricating a semiconductor device, comprising: forming a source and a drain respectively doped with a first conductivity type in each active area on both sides of each word line over a second conductivity type doped substrate, wherein each word line is separated by a predetermined interval; forming a first contact hole and a second contact hole by using isolation layers which are separated by an interval, which is wider in each source than in each drain, to expose the source and the drain; and selectively implanting a second conductivity type dopant ion in the source by using each isolation layer and each word line as an ion implanting mask during a tilt ion implantation process."

Krivokapic discloses that tilt ion implantation is for making doping regions, e.g., d1, which are necessary for transmitting carriers between two spaced apart isolation trench regions 13 and 14. According to a voltage input to the gate 16, the doping regions are for easily forming a channel between the two spaced apart isolation trench regions 13 and 14. Distinguishable, in Applicant's claimed invention, the tilt ion implantation is for preventing a punchthrough phenomenon of a channel between the drain and the source by implanting an ion of the same dopant type as that of the substrate to the junction between the word line and the source. That is, Krivokapic does not teach, disclose or suggest "selectively implanting a second conductivity type dopant ion in the source by using each isolation layer and each word line as an ion implanting mask during a tilt ion implantation process."

Therefore, since Krivokapic does not disclose, teach or suggest all of Applicant's amended claim 1 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(b) has not been adequately set forth relative to Krivokapic. Thus, Applicant's amended claim 1 is not anticipated by Krivokapic. Additionally, the claims that directly or indirectly depend on claim 1, namely claims 2-6, are also not anticipated by Krivokapic for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 102(b) rejections for claims 1-6 are respectfully requested.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-6 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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Dated: September 24, 2004

By: _____

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on September 24, 2004.

Jean Svoboda